

MAR 23 2004  
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SC102

#9 DA (MTS)  
Approved for use through 5/31/2006. OMB 0651-0016  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))** Docket Number (Optional)

Mail to: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Fax: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

Patent No. 5 988097 Application Number 09/197,987  
Issue Date 11/23/1999 Filing Date Nov. 23, 1998

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

**RECEIVED**

MAR 25 2004

OFFICE OF PETITIONS

Also complete the following information, if applicable

The above-identified patent:

is a reissue of original Patent No. \_\_\_\_\_ original issue date \_\_\_\_\_;  
original application number \_\_\_\_\_  
original filing date \_\_\_\_\_

resulted from the entry into the U.S. under 35 U.S.C. 371 of international application \_\_\_\_\_ filed on \_\_\_\_\_

**CERTIFICATE OF MAILING (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

03/18/04  
Date

Edward Friesling  
Signature

Edward Friesling  
Typed or printed name of person signing Certificate

03/25/2004 MAILED1 00000076 09197987

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1155.00 OP

[Page 1 of 4]

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## 1. SMALL ENTITY

Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 1/2 yr fee	(1551)	<input checked="" type="checkbox"/> \$ <u>455</u>	3 1/2 yr fee	(2551)
<input type="checkbox"/> \$ _____	7 1/2 yr fee	(1552)	<input type="checkbox"/> \$ _____	7 1/2 yr fee	(2552)
<input type="checkbox"/> \$ _____	11 1/2 yr fee	(1553)	<input type="checkbox"/> \$ _____	11 1/2 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ \_\_\_\_\_

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ 700 (Fee Code 1558) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 700

## 5. MANNER OF PAYMENT

Enclosed is a check for the sum of \$ 577.50 + 577.50 = \$1155.00

Please charge Deposit Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_. A duplicate copy of this authorization is attached.

Payment by credit card. Form PTO-2038 is attached.

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. \_\_\_\_\_. A duplicate copy of this authorization is attached.

## 7. OVERPAYMENT

As to any overpayment made please

Credit to Deposit Account No. \_\_\_\_\_.

OR

Send refund check.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## 8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

## 9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

03/18/04  
Date

561-998-3414  
Telephone Number

Edward Friel  
Signature(s) of Petitioner(s)

Edward Friel  
Typed or printed name(s)

17656 Foxwood Way  
Address

Boca Raton FL 33487  
Address

## ENCLOSURES:

Maintenance Fee payment  
 Statement why maintenance fee was not paid timely  
 Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)  
 \_\_\_\_\_

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

03/18/04

Date

Edward Frieling

Signature

Edward Frieling

Typed or printed name

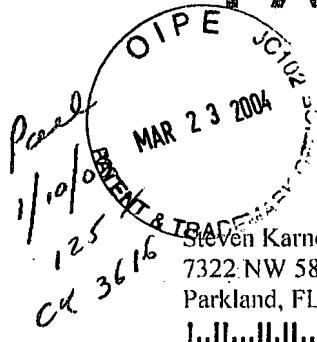
STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

My wife who handles my paper work had just died. My partner Steve Karney agreed to pay fee. He received the attached notice which he thought was from the Patent Office and sent them the requested fee.

(Please attach additional sheets if additional space is needed)

# PATENT CANCELLATION ALERT



Steven Karney  
7322 NW 58th Way  
Parkland, FL 33067-2456

PATENT NO: 5988097  
ISSUE DATE: 11/23/1996  
U.S. SERIAL NO: 919798  
APPLICATION FILE YEAR: 1998  
SMALL ENTITY STATUS: Y  
PAYMENT YEAR: 3.5  
PRS NUMBER: 196206PR  
RETURN NO LATER THAN: January 15, 2003

## IMPORTANT NOTICE TO PATENT OWNERS

### Your Patent Is Scheduled For Cancellation If You Have Not Renewed It.

Pursuant to 37 CFR 1.362(g), the above patent will be cancelled by the United States Patent and Trademark Office (PTO) unless you take the necessary action to preserve it.

### Avoid Cancellation By Timely Filing And Paying Your Required Maintenance Fee

To prevent cancellation of your patent, you must file the proper information with the PTO and pay the proper maintenance fee within a timely manner.

39 USCS § 3001: THIS SERVICE HAS NOT BEEN APPROVED OR ENDORSED BY THE FEDERAL GOVERNMENT AND THIS OFFER IS NOT BEING MADE BY AN AGENCY OF THE FEDERAL GOVERNMENT. THE \$125 FEE FOR THIS SERVICE IS NOT REQUIRED TO BE PAID BY OR TO ANY GOVERNMENTAL AGENCY.

### PRS Can Help You Renew Your Patent Now

We can prepare and forward to you all documents and information necessary to avoid cancellation if you take the steps outlined below.

### Complete The Form Below And Mail It With Your Payment (Please Print Or Type)

1) Review the accuracy of the form below; 2) Make corrections; and 3) Return the form below in the enclosed envelope with your check for \$125 made payable to Patent Renewal Service no later than January 15, 2003.

...Tear Here and Return the Completed Form Below...